

In the Senate of the United States,

October 29, 2009.

Resolved, That the bill from the House of Representatives (H.R. 1299) entitled “An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Capitol
3 Police Administrative Technical Corrections Act of 2009”.

4 **SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF**
5 **THE CAPITOL POLICE.**

6 (a) CLARIFICATION OF CERTAIN HIRING AUTHORI-
7 TIES.—

8 (1) CHIEF ADMINISTRATIVE OFFICER.—Section
9 108(a) of the Legislative Branch Appropriations

1 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as
2 follows:

3 “(a) CHIEF ADMINISTRATIVE OFFICER.—

4 “(1) ESTABLISHMENT.—There shall be within
5 the United States Capitol Police an Office of Admin-
6 istration, to be headed by the Chief Administrative
7 Officer, who shall report to and serve at the pleasure
8 of the Chief of the Capitol Police.

9 “(2) APPOINTMENT.—The Chief Administrative
10 Officer shall be appointed by the Chief of the United
11 States Capitol Police, after consultation with the
12 Capitol Police Board, without regard to political af-
13 filiation and solely on the basis of fitness to perform
14 the duties of the position.

15 “(3) COMPENSATION.—The annual rate of pay
16 for the Chief Administrative Officer shall be the
17 amount equal to \$1,000 less than the annual rate of
18 pay in effect for the Chief of the Capitol Police.”.

19 (2) ADMINISTRATIVE PROVISIONS.—Section 108
20 of the Legislative Branch Appropriations Act, 2001
21 (2 U.S.C. 1903) is amended by striking subsection
22 (c).

23 (3) CERTIFYING OFFICERS.—Section 107 of the
24 Legislative Branch Appropriations Act, 2001 (2
25 U.S.C. 1904) is amended—

1 (A) in subsection (a), by striking “the
2 Capitol Police Board” and inserting “the Chief
3 of the Capitol Police”; and

4 (B) in subsection (b)(1), by striking “the
5 Capitol Police Board” and inserting “the Chief
6 of the Capitol Police”.

7 (4) PERSONNEL ACTIONS OF THE CHIEF OF
8 THE CAPITOL POLICE.—

9 (A) IN GENERAL.—Section 1018(e) of the
10 Legislative Branch Appropriations Act, 2003 (2
11 U.S.C. 1907(e)) is amended by striking para-
12 graph (1) and inserting the following:

13 “(1) AUTHORITY.—

14 “(A) IN GENERAL.—The Chief of the Cap-
15 itol Police, in carrying out the duties of office,
16 is authorized to appoint, hire, suspend with or
17 without pay, discipline, discharge, and set the
18 terms, conditions, and privileges of employment
19 of employees of the Capitol Police, subject to
20 and in accordance with applicable laws and reg-
21 ulations.

22 “(B) SPECIAL RULE FOR TERMI-
23 NATIONS.—The Chief may terminate an officer,
24 member, or employee only after the Chief has
25 provided notice of the termination to the Cap-

1 itol Police Board (in such manner as the Board
2 may from time to time require) and the Board
3 has approved the termination, except that if the
4 Board has not disapproved the termination
5 prior to the expiration of the 30-day period
6 which begins on the date the Board receives the
7 notice, the Board shall be deemed to have ap-
8 proved the termination.

9 “(C) NOTICE OR APPROVAL.—The Chief of
10 the Capitol Police shall provide notice or receive
11 approval, as required by the Committee on
12 Rules and Administration of the Senate and the
13 Committee on House Administration of the
14 House of Representatives, as each Committee
15 determines appropriate for—

16 “(i) the exercise of any authority
17 under subparagraph (A); or

18 “(ii) the establishment of any new po-
19 sition for officers, members, or employees
20 of the Capitol Police, for reclassification of
21 existing positions, for reorganization plans,
22 or for hiring, termination, or promotion for
23 officers, members, or employees of the
24 Capitol Police.”.

1 (B) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—

3 (i) SUSPENSION AUTHORITY.—Section
4 1823 of the Revised Statutes of the United
5 States (2 U.S.C. 1928) is repealed.

6 (ii) PAY OF MEMBERS UNDER SUS-
7 PENSION.—The proviso in the Act of Mar.
8 3, 1875 (ch. 129; 18 Stat. 345), popularly
9 known as the “Legislature, Executive, and
10 Judicial Appropriation Act, fiscal year
11 1876”, which is codified at section 1929 of
12 title 2, United States Code (2000 Editions,
13 Supp. V), is repealed.

14 (5) CONFORMING APPLICATION OF CONGRES-
15 SIONAL ACCOUNTABILITY ACT OF 1995.—

16 (A) IN GENERAL.—Section 101(9)(D) of
17 the Congressional Accountability Act of 1995 (2
18 U.S.C. 1301(9)(D)) is amended by striking
19 “the Capitol Police Board,” and inserting “the
20 United States Capitol Police,”.

21 (B) NO EFFECT ON CURRENT PRO-
22 CEEDINGS.—Nothing in the amendment made
23 by subparagraph (A) may be construed to affect
24 any procedure initiated under title IV of the

1 Congressional Accountability Act of 1995 prior
2 to the date of the enactment of this Act.

3 (6) NO EFFECT ON CURRENT PERSONNEL.—
4 Nothing in the amendments made by this subsection
5 may be construed to affect the status of any indi-
6 vidual serving as an officer or employee of the
7 United States Capitol Police as of the date of the
8 enactment of this Act.

9 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
10 FORCEMENT ASSISTANCE.—

11 (1) IN GENERAL.—Section 2802 of the Supple-
12 mental Appropriations Act, 2001 (2 U.S.C. 1905) is
13 amended—

14 (A) in subsection (a)(1), by striking “Cap-
15 itol Police Board” each place it appears and in-
16 serting “United States Capitol Police”; and

17 (B) in subsection (a)(2), by striking “Cap-
18 itol Police Board” and inserting “Chief of the
19 United States Capitol Police”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect as if included in
22 the enactment of the Supplemental Appropriations
23 Act, 2001.

24 (c) PRIOR NOTICE TO AUTHORIZING COMMITTEES
25 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section

1 1007(a)(1) of the Legislative Branch Appropriations Act,
 2 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior
 3 notification to” and inserting the following: “prior notifi-
 4 cation to the Committee on House Administration of the
 5 House of Representatives, the Committee on Rules and
 6 Administration of the Senate, and”.

7 (d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERV-
 8 ICES.—

9 (1) IN GENERAL.—Section 1002 of the Legisla-
 10 tive Branch Appropriations Act, 2008 (Public Law
 11 110–161; 2 U.S.C. 1981) is amended by inserting
 12 “the Committee on House Administration of the
 13 House of Representatives, and the Committee on
 14 Rules and Administration of the Senate” after “the
 15 Senate,”.

16 (2) EFFECTIVE DATE AND APPLICATION.—The
 17 amendment made by this subsection shall take effect
 18 30 days after the date of enactment of this Act and
 19 apply to payments made on or after that effective
 20 date.

21 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
 22 **THE UNITED STATES CAPITOL POLICE.**

23 (a) APPOINTMENT AND SERVICE.—

24 (1) IN GENERAL.—There shall be within the
 25 United States Capitol Police the General Counsel to

1 the Chief of Police and the United States Capitol
2 Police (in this subsection referred to as the “General
3 Counsel”), who shall report to and serve at the
4 pleasure of the Chief of the United States Capitol
5 Police.

6 (2) APPOINTMENT.—The General Counsel shall
7 be appointed by the Chief of the Capitol Police in
8 accordance with section 1018(e)(1) of the Legislative
9 Branch Appropriations Act, 2003 (2 U.S.C.
10 1907(e)(1)) (as amended by section 2(a)(4)), after
11 consultation with the Capitol Police Board, without
12 regard to political affiliation and solely on the basis
13 of fitness to perform the duties of the position.

14 (3) COMPENSATION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the annual rate of pay for the Gen-
17 eral Counsel shall be fixed by the Chief of the
18 Capitol Police.

19 (B) LIMITATION.—The annual rate of pay
20 for the General Counsel may not exceed an an-
21 nual rate equal to \$1,000 less than the annual
22 rate of pay in effect for the Chief of the Capitol
23 Police.

24 (4) TECHNICAL AND CONFORMING AMEND-
25 MENT.—House Resolution 661, Ninety-fifth Con-

gress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking “the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police” and inserting “the General Counsel to the Chief of Police and the United States Capitol Police”.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State

1 or political subdivision thereof which is initiated
2 prior to the date of the enactment of this Act.

3 **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE**
4 **AND THE UNITED STATES CAPITOL POLICE.**

5 (a) LEGAL REPRESENTATION AUTHORITY.—

6 (1) IN GENERAL.—Section 1002(a)(2)(B) of the
7 Legislative Branch Appropriations Act, 2004 (2
8 U.S.C. 1908(a)(2)(B)) is amended by striking “the
9 Employment Counsel for the United States Capitol
10 Police Board and the United States Capitol Police”
11 and inserting “the Employment Counsel to the Chief
12 of Police and the United States Capitol Police”.

13 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
14 Nothing in the amendment made by paragraph (1)
15 may be construed to affect the authority of any indi-
16 vidual to enter an appearance in any proceeding be-
17 fore any court of the United States or of any State
18 or political subdivision thereof which is initiated
19 prior to the date of the enactment of this Act.

20 (b) NO EFFECT ON CURRENT EMPLOYMENT COUN-
21 SEL.—Nothing in this section or the amendments made
22 by this section may be construed to affect the status of
23 the individual serving as the Employment Counsel to the
24 Chief of Police and the United States Capitol Police as
25 of the date of the enactment of this Act.

1 **SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CER-**
2 **TAIN PERSONNEL BENEFITS.**

3 (a) NO LUMP-SUM PAYMENT PERMITTED FOR UN-
4 USED COMPENSATORY TIME.—

5 (1) IN GENERAL.—No officer or employee of
6 the United States Capitol Police whose service with
7 the United States Capitol Police is terminated may
8 receive any lump-sum payment with respect to ac-
9 crued compensatory time off, except to the extent
10 permitted under section 203(c)(4) of the Congres-
11 sional Accountability Act of 1995 (2 U.S.C.
12 1313(c)(4)).

13 (2) REPEAL OF RELATED OBSOLETE PROVI-
14 SIONS.—

15 (A) OVERTIME PAY DISBURSED BY
16 HOUSE.—Section 3 of House Resolution 449,
17 Ninety-second Congress, agreed to June 2,
18 1971, as enacted into permanent law by chapter
19 IV of the Supplemental Appropriations Act,
20 1972 (85 Stat. 636) (2 U.S.C. 1924), together
21 with any other provision of law which relates to
22 compensatory time for the Capitol Police which
23 is codified at section 1924 of title 2, United
24 States Code (2000 Editions, Supp. V), is re-
25 pealed.

1 (B) OVERTIME PAY DISBURSED BY SEN-
2 ATE.—The last full paragraph under the head-
3 ing “Administrative Provisions” in the appro-
4 priation for the Senate in the Legislative
5 Branch Appropriations Act, 1972 (85 Stat.
6 130) (2 U.S.C. 1925) is repealed.

7 (b) OVERTIME COMPENSATION FOR OFFICERS AND
8 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
9 ACT OF 1938.—

10 (1) CRITERIA UNDER WHICH COMPENSATION
11 PERMITTED.—The Chief of the Capitol Police may
12 provide for the compensation of overtime work of ex-
13 empt individuals which is performed on or after the
14 date of the enactment of this Act, in the form of ad-
15 ditional pay or compensatory time off, only if—

16 (A) the overtime work is carried out in
17 connection with special circumstances, as deter-
18 mined by the Chief;

19 (B) the Chief has established a monetary
20 value for the overtime work performed by such
21 individual; and

22 (C) the sum of the total amount of the
23 compensation paid to the individual for the
24 overtime work (as determined on the basis of
25 the monetary value established under subpara-

graph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

1 (A) IN GENERAL.—Section 1009 of the
2 Legislative Branch Appropriations Act, 2003
3 (Public Law 108–7; 117 Stat. 359) is repealed.

4 (B) EFFECTIVE DATE.—The amendment
5 made by subparagraph (A) shall take effect as
6 if included in the enactment of the Legislative
7 Branch Appropriations Act, 2003, except that
8 the amendment shall not apply with respect to
9 any overtime work performed prior to the date
10 of the enactment of this Act.

11 **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-**
12 **TIONS.**

13 (a) REPEAL OF OBSOLETE PROCEDURES FOR INI-
14 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-
15 CER.—Section 108 of the Legislative Branch Appropria-
16 tions Act, 2001 (2 U.S.C. 1903) is amended by striking
17 subsections (d) through (g).

18 (b) REPEAL OF REQUIREMENT THAT OFFICERS
19 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
20 vised Statutes of the United States (2 U.S.C. 1943) is
21 repealed.

22 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
23 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
24 ATE OFFICE BUILDINGS.—

1 (1) HOUSE OFFICE BUILDINGS.—The item re-
 2 lating to “House of Representatives Office Building”
 3 in the Act entitled “An Act making appropriations
 4 for sundry civil expenses of the Government for the
 5 fiscal year ending June thirtieth, nineteen hundred
 6 and eight, and for other purposes”, approved March
 7 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended
 8 by striking “other than officers and privates of the
 9 Capitol police” each place it appears and inserting
 10 “other than the United States Capitol Police”.

11 (2) SENATE OFFICE BUILDINGS.—The item re-
 12 lating to “Senate Office Building” in the Legislative
 13 Branch Appropriation Act, 1943 (56 Stat. 343; 2
 14 U.S.C. 2023) is amended by striking “other than for
 15 officers and privates of the Capitol Police” each
 16 place it appears and inserting “other than for the
 17 United States Capitol Police”.

18 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
 19 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
 20 ER IMPLEMENTATION ACT OF 2007.—

21 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
 22 fective as if included in the enactment of the Legis-
 23 lative Branch Appropriations Act, 2008 (Public Law
 24 110–161), section 1004 of such Act is repealed, and
 25 any provision of law amended or repealed by such

1 section is restored or revived to read as if such sec-
2 tion had not been enacted into law.

3 (2) NO EFFECT ON OTHER ACT.—Nothing in
4 paragraph (1) may be construed to prevent the en-
5 actment or implementation of any provision of the
6 U.S. Capitol Police and Library of Congress Police
7 Merger Implementation Act of 2007 (Public Law
8 110–178), including any provision of such Act that
9 amends or repeals a provision of law which is re-
10 stored or revived pursuant to paragraph (1).

11 (e) AUTHORITY OF CHIEF OF POLICE.—

12 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED
13 IN TITLE 2, UNITED STATES CODE.—The provisions
14 appearing in the first paragraph under the heading
15 “Capitol Police” in the Act of April 28, 1902 (ch.
16 594; 32 Stat. 124), and the provisions appearing in
17 the first paragraph under the heading “Capitol Po-
18 lice” in title I of the Legislative and Judiciary Ap-
19 propriation Act, 1944 (ch. 173; 57 Stat. 230), inso-
20 far as all of those provisions are related to the sen-
21 tence “The captain and lieutenants shall be selected
22 jointly by the Sergeant at Arms of the Senate and
23 the Sergeant at Arms of the House of Representa-
24 tives; and one-half of the privates shall be selected
25 by the Sergeant at Arms of the Senate and one-half

1 by the Sergeant at Arms of the House of Represent-
2 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-
3 tion, Supp. V), are repealed.

4 (2) RESTORATION OF REPEALED PROVISION.—

5 Section 1018(h)(1) of the Legislative Branch Appro-
6 priations Act, 2003 (Public Law 108–7, div. H, title
7 I, 117 Stat. 368) is repealed, and the sentence “The
8 Capitol Police shall be headed by a Chief who shall
9 be appointed by the Capitol Police Board and shall
10 serve at the pleasure of the Board.”, which was re-
11 pealed by such section, is restored to appear at the
12 end of section 1821 of the Revised Statutes of the
13 United States (2 U.S.C. 1901).

14 (3) CONFORMING AMENDMENT.—The first sen-

15 tence of section 1821 of the Revised Statutes of the
16 United States (2 U.S.C. 1901) is amended by strik-
17 ing “, the members of which shall be appointed by
18 the Sergeants-at-Arms of the two Houses and the
19 Architect of the Capitol Extension”.

20 (4) EFFECTIVE DATE.—The amendments made

21 by this subsection shall take effect as if included in
22 the enactment of the Legislative Branch Appropria-
23 tions Act, 2003.

1 **SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS**
2 **CONGRESSIONAL EMPLOYEES.**

3 (a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—
4 Section 2107(4) of title 5, United States Code, is amended
5 by inserting “or employee” after “member”.

6 (b) DUAL PAY AND DUAL EMPLOYMENT.—

7 (1) DEFINITION OF AGENCY IN THE LEGISLA-
8 TIVE BRANCH.—Section 5531(4) of title 5, United
9 States Code, is amended by striking “and the Con-
10 gressional Budget Office” and inserting “the Con-
11 gressional Budget Office, and the United States
12 Capitol Police”.

13 (2) DUAL PAY.—Section 5533 of title 5, United
14 States Code, is amended—

15 (A) in subsection (c)—

16 (i) in paragraph (1), by striking “or
17 the Chief Administrative Officer of the
18 House of Representatives” and inserting “,
19 the Chief Administrative Officer of the
20 House of Representatives, or the Chief of
21 the Capitol Police”; and

22 (ii) in paragraph (2), by inserting “or
23 the Chief of the Capitol Police” after
24 “House of Representatives”; and

25 (B) in subsection (d)(5)(A), by striking “or
26 the Chief Administrative Officer of the House

1 of Representatives” and inserting “, the Chief
2 Administrative Officer of the House of Rep-
3 resentatives, or the Chief of the Capitol Police”.

4 (c) FEES FOR JURY AND WITNESS SERVICE.—

5 (1) CREDITING AMOUNTS RECEIVED.—Section
6 5515 of title 5, United States Code, is amended by
7 striking “or the Chief Administrative Officer of the
8 House of Representatives” and inserting “, the
9 Chief Administrative Officer of the House of Rep-
10 resentatives, or the Chief of the Capitol Police”.

11 (2) FEES FOR SERVICE.—Section 5537(a) of
12 title 5, United States Code, is amended by striking
13 “or the Chief Administrative Officer of the House of
14 Representatives” and inserting “, the Chief Adminis-
15 trative Officer of the House of Representatives, or
16 the Chief of the Capitol Police”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect as though enacted as part
19 of section 1018 of the Legislative Branch Appropriations
20 Act, 2003 (2 U.S.C. 1907).

21 **SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-**
22 **ARMS AND DOORKEEPER OF THE SENATE.**

23 (a) IN GENERAL.—The Sergeant-at-Arms and Door-
24 keeper of the Senate shall have the same law enforcement
25 authority, including the authority to carry firearms, as a

1 member of the Capitol Police. The law enforcement au-
2 thority under the preceding sentence shall be subject to
3 the requirement that the Sergeant-at-Arms and Door-
4 keeper of the Senate have the qualifications specified in
5 subsection (b).

6 (b) QUALIFICATIONS.—The qualifications referred to
7 in subsection (a) are the following:

8 (1) A minimum of 5 years of experience as a
9 law enforcement officer before beginning service as
10 the Sergeant-at-Arms and Doorkeeper of the Senate.

11 (2) Current certification in the use of firearms
12 by the appropriate Federal law enforcement entity
13 or an equivalent non-Federal entity.

14 (3) Any other firearms qualification required
15 for members of the Capitol Police.

16 (c) REGULATIONS.—The Committee on Rules and
17 Administration of the Senate shall have authority to pre-
18 scribe regulations to carry out this section.

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

H.R. 1299

AMENDMENT